

# EXHIBIT N

DEBORAH F. GAY  
UNITED STATES vs STATE OF GEORGIA

July 27, 2022

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IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION

UNITED STATES OF AMERICA,	)	CIVIL ACTION
Plaintiff,	)	NO. 1:16-cv-03088-ELR
	)	
vs.	)	
	)	
STATE OF GEORGIA,	)	
	)	
Defendants.	)	
- - - - -	)	

VIDEOTAPE DEPOSITION OF  
DEBORAH F. GAY

Wednesday, July 27, 2022, 9:11 a.m., EST

HELD AT:

Georgia Department of Education  
205 Jesse Hill Jr. Drive, S.E.  
Atlanta, Georgia 30334

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WANDA L. ROBINSON, CRR, CCR, No. B-1973  
Certified Shorthand Reporter/Notary Public

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1 Q And as we go through other documents  
2 later, we can nail down the date even more.

3 All right. So before serving in the role  
4 of deputy superintendent of Federal Programs and  
5 Special Education, what was your prior position?

6 A I was the state director for special  
7 education.

8 Q And when did you hold that position?

9 A I'll have to look at my resume.

10 Q And you should still have control?

11 A Okay.

12 From September 2010 until I moved into the  
13 deputy superintendent position, which again I am not  
14 -- I do not recall the exact date of that  
15 transition.

16 Q But some time in 2016?

17 A Most have been, based on this email.

18 Q What were your job responsibilities in  
19 this position?

20 A As state director?

21 Q Yes.

22 A I had the oversight for the programs, and  
23 they're all listed on my resume.

24 So I was over Budget, Data Dispute  
25 Resolution, Curriculum and School Improvement,

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1 Focused Monitoring, Georgia Assistive Technology  
2 Project --

3 THE COURT REPORTER: Wait.

4 A Georgia Instructional Materials Center,  
5 Positive Behavioral Interventions and Supports,  
6 Professional Learning, Georgia Learning Resource  
7 System, Georgia Network of Educational and  
8 Therapeutic Supports, and the Parent Mentor  
9 Partnership.

10 All of those programs I would say with the  
11 exception of the GNETS program had a program manager  
12 in the office.

13 The GNETS program, we typically had staff  
14 assigned who worked with those program directors and  
15 helped with sharing information from the department  
16 to those GNET directors.

17 Q So you're saying there was not a program  
18 manager for GNETS who worked directly in your  
19 office?

20 A Not during the time that I was the state  
21 director, but there was a program manager who had  
22 that assignment as part of their duties.

23 Q Do you know who that person was?

24 A It was several people over the years.

25 I recall that Dr. Mike Blake was in that

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1 role for a period of time.

2 Prior to that I believe Ginny O'Connell  
3 was in that role.

4 Then the last person was Nakeba Rahming,  
5 who was hired and really became a more official  
6 person with GNETS as her direct responsibility.

7 There may have been some other staff but  
8 those are the only names that I recall at this time.

9 Q Thank you.

10 Do you know roughly how far back Mike  
11 Blake and Ginny O'Connell would have served in this  
12 capacity?

13 A During the time when I was director, and  
14 Ginny O'Connell may have been prior to that, when  
15 the other special Ed directors -- there was a team  
16 prior to me. There were two -- there were two  
17 special Ed directors who shared that role.

18 Q So for Mike Blake, is it accurate to say  
19 it would have been some time between September 2010  
20 and the end of the time that you served as a special  
21 education --

22 A Yes.

23 Q -- state director?

24 For Ginny O'Connell, is it correct hers  
25 would have been during that time frame or possibly

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1 A PBIS director. We had a change in our  
2 data manager. We had a change in our budget  
3 personnel, budget oversight personnel.

4 So people who came in who touched GNETS in  
5 different ways, I would have been involved with  
6 hiring those individuals.

7 Q All right. Let's start with Ms. Rahming's  
8 position.

9 A Okay.

10 Q Do you remember when she was hired?

11 A I don't remember the exact date.

12 Q Roughly?

13 A I remember interviewing her. I just don't  
14 remember. It must have been 2015, 2016, somewhere  
15 in that time frame.

16 Q What was her position?

17 A She was hired as program manager with  
18 direct responsibility for GNETS. And eventually she  
19 was promoted to be a director, who no longer  
20 reported to me but who reported to Matt Jones.

21 Q What is the difference between the  
22 responsibilities of a program manager and a  
23 director?

24 A I think a program manager acts as a member  
25 of the team to collaborate our programs across the

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1 special education services, with -- I met with the  
2 program managers very regularly to make sure that we  
3 were all singing the same song, because I think when  
4 you have a division this big, it becomes very easy  
5 to not be consistent across the divisions.

6 The director I think has more  
7 decision-making responsibility, more oversight,  
8 becomes -- in Nakeba's circumstance, she became very  
9 directly involved in the work and the coordination  
10 of all the improvement projects around GNETS.

11 Q What role did you play in Ms. Rahming's  
12 hiring specifically?

13 A Matt Jones and I interviewed her, and we  
14 interviewed some other individuals. I do not recall  
15 right now who they were. She was an outstanding  
16 candidate.

17 Q In addition to conducting interviews, did  
18 you play any other roles in her hiring?

19 A I may have played a role in developing the  
20 job description. I typically did. When there was  
21 going to be hiring, I would do that with HR.  
22 Because this was a little bit different, in terms of  
23 what the duties and responsibilities were going to  
24 be, a job description had not been written for that  
25 specifically as a program manager position.

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1 Q Let's actually start there in discussing  
2 the position itself. Why was Ms. Rahming's position  
3 created?

4 A I believe we had -- knew we had a lot of  
5 work to do with GNETS. I think the audit report you  
6 showed me previously suggested a manager being  
7 developed and there was a lot of work to be done.

8 So it certainly made sense that there be a  
9 solitary position devoted to GNETS, as there had not  
10 been in the past.

11 Q I am going to show you a document in a  
12 moment.

13 MS. HAMILTON: I would like for the court  
14 reporter to mark this document as Plaintiff's  
15 Exhibit 285.

16 (WHEREUPON, Plaintiff's Exhibit-285 was  
17 marked for identification.)

18 MS. HAMILTON: This is an August 7th, 2015  
19 email from Deborah Gay to Denise Peterson, and the  
20 first page of the document has a Bates number of  
21 GA00165372.

22 BY MS. HAMILTON:

23 Q Ms. Gay, this is the extent of the email,  
24 if you want to take a moment to review it. Let me  
25 know when you're ready.



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1 to the original question.

2 A Okay.

3 Q And the original question just said:  
4 "What are your short and long-term expectations of  
5 the hired candidate?"

6 So in this first sentence of Ms. Keith's  
7 response, she says: The short-term expectations  
8 include working with Debbie Gay and me to develop a  
9 project management plan that includes detailed  
10 action steps to address program improvements."

11 Did Ms. Rahming in fact work with you and  
12 Ms. Keith to develop a project management plan?

13 A Yes. In the, in the short term.

14 Q And what is a project management plan?

15 A I think it -- as I recall, it was kind of  
16 an outline of steps that would need to be  
17 implemented to fulfill her role in the work that  
18 needed to be done going forward.

19 I don't remember a specific document.  
20 There could have been one.

21 Q And she notes -- Ms. Keith notes here that  
22 the plan includes "detailed action steps to address  
23 program improvements."

24 Is that what that says?

25 A Yes.

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1 Q And it looks like here on the cover page  
2 it says, "Strategic Plan Update Year 4."

3 Why would there -- why would this say Year  
4 4?

5 A I don't remember. I'm sorry, I was trying  
6 to read to see if I can remember, but I don't  
7 remember why it says Year 4. I know we had been  
8 working on it. Ginny O'Connell and I were the basic  
9 people working on the strategic plan document.

10 Q Let me scroll down here.

11 What was the purpose of this strategic  
12 plan?

13 A Improvement. Having some kind of format  
14 to gauge improvement and accountability.

15 Q I want to direct your attention to the  
16 beginning of the second paragraph.

17 It says: "This strategy plan addresses  
18 recent audit findings, recommendations from  
19 stakeholder meetings, and general improvement  
20 strategies the Georgia Department of Education  
21 (GaDOE) has been addressing over time with the  
22 network."

23 So would this strategic plan have been in  
24 response to the items that are listed here in this  
25 first sentence?

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1 A Yes.

2 Q And then I'm going to move the cursor down  
3 and let you see where it is.

4 A Okay.

5 Q Where it starts year one.

6 If you can just independently read those  
7 sentences, and if you can explain to me -- it sounds  
8 like there are different years of the strategic  
9 plan. If you can explain to me what your  
10 understanding of each of those different years of  
11 the strategic plan were intended, that would be  
12 helpful.

13 MS. JOHNSON: Objection.

14 You can answer.

15 A The first year -- as I'm reading this,  
16 what I recall is the first year of the plan was  
17 really looking at data to fill it out. This is kind  
18 of where we are.

19 The second year of the plan would be  
20 coming up with activities that are needed to address  
21 those deficit areas.

22 And what it says here is additional focus  
23 in Year 2 will be identification of data elements  
24 needed to create a funding element to support core  
25 services to local school districts. Year 3 of the

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1 strategic plan will focus on implementation of the  
2 services.

3 So it was a tiered approach.

4 Q I don't know if you saw -- a little  
5 earlier it says, "The plan is currently structured  
6 around a three-year timeline aimed at completing the  
7 identified goals by FY15."

8 Do you see that here?

9 A Yes.

10 Q As we've discussed at the beginning, this  
11 document is titled "Strategic Plan Update Year 4."  
12 Why was it necessary to have an update to the plan  
13 in Year 4 if it was intended to be completed in  
14 three years?

15 A I don't think the plan was intended to be  
16 completed in three years. I think those steps that  
17 we just talked about were completed in three years  
18 but the plan would be ongoing. You would continue  
19 to update your strategic plan annually, to continue  
20 to make improvements in the program.

21 Q What were the areas of focus of the  
22 strategic plan?

23 A I don't recall without looking at the  
24 document.

25 Q Okay. Let's return back to the same

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1 paragraph.

2 A Okay.

3 Q About midway through here it says: "The  
4 strategic plan embodies input from these sources and  
5 focuses on seven major areas."

6 If you could take a look at that and let  
7 me know if this captures the areas of the strategic  
8 plan that you're familiar with.

9 (Witness reviews exhibit.)

10 A In reading it, I would say that's probably  
11 accurate if it's part of this document.

12 Q I know you said you didn't remember much  
13 about this particular update. Do you remember if  
14 there were any further updates after the Year 4  
15 update?

16 A I do not remember. I know that when  
17 Nakeba came on board I think a new, a new process  
18 was put in place, that she and Clara worked on a new  
19 process and it was automated, and it wasn't this --  
20 you know, people would download this document, fill  
21 it out, send it in to us. There was no way to  
22 really collect it in any kind of an automatic --  
23 automated fashion.

24 And I don't know if -- I really don't  
25 recall if the same areas were continued in the new

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1 process or not.

2 Q Well, let's turn to the new process.

3 A Okay.

4 Q So I'm going to close this document.

5 You mentioned Nakeba Rahming and Clara  
6 Keith were involved in developing the revised  
7 strategic plan. Do you know who else was involved?

8 A I don't recall.

9 Q What was your role?

10 A Um, you know, as Clara provided in her  
11 email back to Nakeba, in the short term I was  
12 involved. And as the work progressed, I stayed more  
13 in my lane as the special ed director. So I  
14 certainly had consultation and conversations, but  
15 the work was primarily the work of Nakeba and Clara,  
16 who reported to Matt.

17 Q I'm going to show you another document.

18 A Okay.

19 MS. HAMILTON: I'd like for the court reporter  
20 to mark this document as Plaintiff's Exhibit 292.

21 (WHEREUPON, Plaintiff's Exhibit-292 was  
22 marked for identification.)

23 BY MS. HAMILTON:

24 Q This is an email from Nakeba Rahming to a  
25 number of different individuals who appear to be

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1 GNETS directors.

2 You can confirm that for me later.

3 Ms. Gay, you are copied on this email?

4 A Yes.

5 MS. JOHNSON: And it's dated February 3rd,  
6 2016, the subject: GNETS Strategic Plan Work  
7 Session."

8 The initial Bates number is GA00404901,  
9 and this document has two attachments.

10 BY MS. HAMILTON:

11 Q I'll give you a moment to read this cover  
12 email. That should be all of it.

13 (Witness reviews exhibit.)

14 A Okay.

15 Q So Ms. Rahming's email is addressed -- she  
16 says: "Hello strategic plan committee."

17 Do you see that?

18 A Yes.

19 Q What was the role of the strategic plan  
20 committee?

21 A I think when Nakeba started to do her work  
22 with GNETS, she wanted to take a look at what had  
23 been done in the past. So I think she formed a  
24 group of GNETS directors who wanted to be involved  
25 and had a series of meetings with them to look at

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1 the current strategic plan, if it was working, if it  
2 wasn't working, and then move forward from there.

3 Q And it looks like in this email she says:  
4 "Please see the information below. The time and  
5 place for our work session."

6 It appears she's informing them of an  
7 upcoming work session; is that correct?

8 A I'm assuming so. The next part of it is  
9 where they can park. So I think they must have come  
10 to the DOE.

11 Q All right. So let's look at the second  
12 attachment. I'll scroll down for us. The first  
13 attachment is a parking map.

14 So the second attachment appears to be an  
15 agenda.

16 Can you just describe for me what you see  
17 here?

18 A I see that I was probably in the meeting.

19 Again, this was during the period of time  
20 Nakeba had just come on board and she was being  
21 introduced to the GNETS directors. The work was  
22 starting. So I think it was probably a session  
23 where we looked at, as the agenda indicates, review  
24 for the current strategic plan, review the draft  
25 rubric for the standards of practice, review the DOJ



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1 strategic plan?

2 A Well, I think the DOJ letter outlined some  
3 areas of needed improvement, and I think making sure  
4 if the strategic plan addressed those areas or if  
5 they were considered to be valid would be important  
6 in the revision of the strategic plan.

7 Q I'll stop sharing this document.

8 I'm going to return to a document that was  
9 previously marked during today's deposition as  
10 Plaintiff's Exhibit 290.

11 This was a February 8, 2016 email that Ms.  
12 Rahming had sent to the --

13 A Right.

14 Q -- same individuals on that last email  
15 chain about the draft strategic plan.

16 I'd like to just read through the email  
17 and ask you some questions about what she's  
18 discussing here.

19 She says: "I am attempting to make it" --  
20 do you understand "it" to be in reference to the  
21 strategic plan?

22 A Yes.

23 Q "I'm attempting to make it an inclusive  
24 document so that you will not need to have multiple  
25 pieces of documents outlining the same work."

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1           She then says: "I also incorporated the  
2 rating scale so we do not need to development second  
3 document. Debbie and I spoke on Friday and she  
4 supports us with moving away from the GCIMP and  
5 incorporating those items into the strategic plan."

6           What was the GCIMP?

7           A     The Georgia Continuous Improvement -- what  
8 does the M stand for? Monitoring progress.

9           All local systems were required to  
10 complete that monitoring assessment. We had the  
11 GNETS completing it as other local school districts  
12 were but it really did not -- it didn't match. It  
13 wasn't a good match, because there were many things  
14 that were different about GNETS that were different  
15 from a local school system.

16           So it was really saying, let's come up  
17 with a better monitoring process system that meets  
18 the needs of GNETS.

19           The one size fits all is not working here.

20           Q     Then Ms. Rahming goes on to say: "We also  
21 spoke about the core array of services application  
22 for funding and she indicated" -- do you understand  
23 "she" to be referring to you?

24           A     It must be, yes.

25           Q     -- "and she indicated that if we can show

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1 where the core array of services would be addressed  
2 and incorporated into the strategic plan with  
3 evidence of implementation to support the  
4 distribution of funding, she would be fine with  
5 dismissing that document as well."

6 What were the core array of services?

7 MS. JOHNSON: Objection.

8 You can answer.

9 A I have vague remembrance of some specific  
10 services that each GNETS program was to provide, and  
11 we had some additional funding that they could apply  
12 for to implement those services.

13 I'm very fuzzy on that, though.

14 Q So it appears what you're saying here is  
15 that if, if those services are addressed and  
16 incorporated into the plan, there would no longer be  
17 a need for that separate --

18 A Yes.

19 Q -- documentation?

20 A Yes.

21 Q I'm scrolling down to this first  
22 attachment that I previewed before. It's titled,  
23 "GNETS Program Strategic Plan Draft No. 1," and do  
24 you see here it says dated February 5th, 2016?

25 A Yes, I do.